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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,902	12/08/2005	Javier Del Prado Pavon	PHUS030236	9628

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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TRINH, SONNY

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/559,902		DEL PRADO PAVON ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Sonny TRINH		2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-2, 6-9, 14-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Sherman (U.S. Patent Number 7,046,650 B2).

Regarding **claim 1**, this defines a time T2 that a transmitter needs to change from a receiver to a transmitter state. This definition is not clear, as it is not a unique time for all possible transmitters, according to the problem defined in the specification (see paragraph [0006] of the current Application Publication, this time is interpreted as any time shorter than a SIFS. With reference to figure 3 (column 3 line 63 to column 5 line 64), Sherman discloses a method of transmitting data frames over a data network, comprising sending said data frames from a transmitter to a receiver with an Inter Frame Space (IFS) time, wherein said IFS does not include a time (T2) that said transmitter needs to change from a receiver state to a transmitter state (column 3 line 63 to column 5 line 64).

**Claim 8** is interpreted and rejected for the same reasons as in claim 1.

Regarding **claims 2, 9**, Sherman further discloses that the IFS only includes a time needed for said transmitter to detect ending of a frame and beginning of a next frame (column 5 lines 22-41).

Regarding **claims 6, 14**, Sherman further discloses that data network is a wireless data network using IEEE 802.11 protocol (please see Summary of the invention in columns 1-2).

Regarding **claims 7, 15**, Sherman further discloses that wherein said IEEE 802.11 is amended by IEEE 802.11e (Summary of the invention in columns 1-2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 3, 5, 11, 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman.

Regarding **claims 3, 11**, Sherman discloses the invention but does not explicitly disclose that the transmitter is a QAP (QoS Enhanced Access Point). However, since QAP is a new standard introduced by IEEE 802.112, it is therefore obvious and well within the level of a person of ordinary skill in the art to make the transmitter compatible

with the QAP. The motivation for using the QAP format is to adhere to the standard for compatibility issues.

Regarding **claims 5, 13** Sherman discloses the invention but does not explicitly disclose that the transmitter only receives a block ACK which acknowledges plural of said data frames. However, this is the 802.11e standard specification such as "No-ACK" in which no acknowledgment message is sent or Block-ACK, where multiple data frames can be acknowledged in one Block-ACK message. These standards are obvious and well within the level of a person of ordinary skill in the art.

3. **Claims 4, 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman in view of Fischer et al. (hereinafter "Fischer"; U.S. Patent Application Number 2002/0089959 A1).

Regarding **claims 4, 12** Sherman discloses the invention but does not explicitly disclose that the transmitter is not required to receive an ACK from the receiver before said transmitter sends out a next data frame.

In an analogous art, Fischer teaches a frame based communications system. Fischer further teaches that the transmitter is not required to receive an ACK from a receiver before said transmitter sends out a next data frame (paragraphs [0024], [0068], [0100]).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the no ACK, as taught by Fischer with

Sherman. The motivation for doing so would be to transmit signal without waiting for throughput enhancement.

### CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward URBAN can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/15/07

  
SONNY TRINH  
PRIMARY EXAMINER